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06                   UNITED STATES DISTRICT COURT  
07                   WESTERN DISTRICT OF WASHINGTON  
08                   AT SEATTLE

09         UNITED STATES OF AMERICA,                   ) CASE NO. MJ 09-188  
10    )  
11         Plaintiff,                                      )  
12    )  
13         v.    ) DETENTION ORDER  
14    )  
15         CHARLES SHATEEK SMITH,                      )  
16    )  
17         Defendant.                                      )  
18    )  
19    )  
20    )

21         Offense charged:     Felon in Possession of a Firearm as an Armed Career Criminal

22         Date of Detention Hearing:   April 24, 2009

23         The Court, having conducted a detention hearing pursuant to 18 U.S.C. § 3142(f), and  
24         based upon the factual findings and statement of reasons for detention hereafter set forth, finds  
25         that no condition or combination of conditions which defendant can meet will reasonably assure  
26         the appearance of defendant as required and the safety of other persons and the community.

27                   **FINDINGS OF FACT AND STATEMENT OF REASONS FOR DETENTION**

28         (1)        Defendant's criminal record includes five felonies committed as a juvenile. His  
29         criminal history includes bench warrant activity for failure to appear, and failure to abide by court

01 orders. A 2004 conviction for assault is reported to have occurred against police officers, during  
02 which three police officers received injuries.

03 (2) The pretrial report indicates that defendant is an active user of PCP and marijuana.

04 (3) The defendant poses a risk of nonappearance based on controlled substance use,  
05 a history of failure to appear and a history of violation of court orders and supervision. He poses  
06 a risk of danger based on criminal history, controlled substance use, and the nature of the instant  
07 offense.

08 (4) There does not appear to be any condition or combination of conditions that will  
09 reasonably assure the defendant's appearance at future Court hearings while addressing the  
10 danger to other persons or the community.

11 It is therefore ORDERED:

12 (1) Defendant shall be detained pending trial and committed to the custody of the  
13 Attorney General for confinement in a correction facility separate, to the extent  
14 practicable, from persons awaiting or serving sentences or being held in custody  
15 pending appeal;

16 (2) Defendant shall be afforded reasonable opportunity for private consultation with  
17 counsel;

18 (3) On order of a court of the United States or on request of an attorney for the  
19 Government, the person in charge of the corrections facility in which defendant  
20 is confined shall deliver the defendant to a United States Marshal for the purpose  
21 of an appearance in connection with a court proceeding; and

22 (4) The clerk shall direct copies of this Order to counsel for the United States, to

01                   counsel for the defendant, to the United States Marshal, and to the United States  
02                   Pretrial Services Officer.

03                   DATED this 24th day of April, 2009.

04                     
05                   Mary Alice Theiler  
06                   United States Magistrate Judge